

**MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

*ENOCH ADAMS JR., et al.* v. *TECK COMINCO ALASKA INC.*

THE HONORABLE JOHN W. SEDWICK CASE NO. 3:04-cv-00049-JWS

PROCEEDINGS: **ORDER FROM CHAMBERS** Date: April 28, 2008

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At docket 220, plaintiffs Adams, *et al.*, object to the admission of certain exhibits by intervenor-defendant Northwest Arctic Borough ("NAB"). The motion is predicated upon NAB's failure to timely disclose the exhibits to plaintiffs. The motion has been fully briefed. Although the court is generally in agreement with plaintiffs' arguments and finds that they would support exclusion of the exhibits, a more fundamental basis for their exclusion has arisen. In an order at docket 313, the court ruled that NAB's only witness (see doc. 201 identifying Mayor Whiting as NAB's only witness) would not be permitted to testify at trial. Having no witness through whom to introduce its proposed exhibits, NAB's exhibits must be excluded. The motion at docket 220 is **GRANTED**.

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